**THE HONOURABLE SRI JUSTICE N.V.RAMANA**

**Writ Petition No.18891 of 2006**

**Dated:9th October, 2006**

**Between:**

B.Md.Rafiq.

**…..PETITIONER**

**AND**

The Depot Manager,
A.P.S.R.T.C, Anantapur,
Anantapur District and another. **….RESPONDENTS**

**THE HONOURABLE SRI JUSTICE**
**N.V.RAMANA**

**W.P.No.18891 of 2006**

**ORDER:**

The petitioner filed this writ petition assailing the proceedings of the 2nd respondent-Divisional Manager, Anantapur, dated 16-4-1994 in No.PA/20 (264).93 DVM 'A'. The 2nd respondent by the said proceedings confirmed the orders dated 18-9-1993 and 3-8-1993 of the 1st respondent-Depot Manager, Anantapur imposing a major punishment of deferment of annual increment for a period of two years with cumulative effect and recovery of an amount of Rs.1,000/- from the salary of the petitioner, without conducting any enquiry.

It is the case of the petitioner that he is working as Driver at 1st respondent-Depot and he was issued a charge-sheet dated 29-5-1993 on the allegation that he drove the vehicle carelessly and without anticipation, which resulted in an accident injuring 3 passengers in the bus. It is the further case of the petitioner that proceedings of the 2nd respondent-Divisional Manager, Anantapur, dated 16-4-1994 in No.PA/20 (264).93 DVM 'A' confirming the orders dated 18-9-1993 and 3-8-1993 of the 1st respondent-Depot Manager, Anantapur imposing a major punishment of deferment of annual increment for a period of two years with cumulative effect and recovery of an amount of Rs.1,000/- from the salary of the petitioner is without conducting departmental enquiry, and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab*** [1]. It is also the case of the petitioner that due to such major punishment he is facing much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondents without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of two years, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*
>
> *Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."*

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The 2nd respondent is directed to treat the proceedings of the 1st respondent dated 18-9-1993 and 3-8-1993 as confirmed by him by proceedings dated 16-4-1994 in No.PA/20 (264).93 DVM 'A' as the one for stoppage of annual increment, for a period of two years without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

**(N.V. RAMANA, J.)**

**Date:9th October, 2006.**
GRK

[1] 1990 (1) LLJ 635